

Maryland Green Purchasing Committee Approved Specification – Landscaping Supplies

HOW TO USE THIS DOCUMENT:

This document sets prohibitions and minimum requirements for landscaping and groundskeeping supplies procured by the State of Maryland with which Contractors are required to comply.

These guidelines apply to agencies constructing new or rehabilitating existing owned or leased facilities or otherwise implementing landscaping practices on agency owned or leased land.

PRODUCTS COVERED UNDER THIS SPECIFICATION:

Compost

Fertilizer

Herbicides

Hoses

Hydraulic Mulch

Insecticides

Landscaping Plants

Lawn and Garden Edging

Mulch

Outdoor Furniture

Park Components

Pesticides

Plastic Lumber Timber and Posts

Powered Landscaping Equipment

Topsoil

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1. LEGISLATION, STATUTES, AND REGULATIONS

For Procurement Officers and Agencies

Environmentally Preferable Purchasing (COMAR: [21.11.07.09](#))

“All procurement agencies shall purchase environmentally preferable products and services unless purchasing environmentally preferable products and services would limit or supersede any requirements under any provision of law or result in the purchase of products and services that:

- (1) Do not perform adequately for the intended use;
- (2) Exclude adequate competition; or
- (3) Are not available at a reasonable price in a reasonable period of time.”

Mercury and Products that Contain Mercury (COMAR: [21.11.07.07](#))

“All procurement agencies shall give a preference under this regulation to procuring products and equipment that are mercury-free. If mercury-free products and equipment that meet the agency's product performance requirements are not commercially available, the procurement agency shall give preference under this regulation to products containing the least amount of mercury necessary to meet performance requirements.”

For Contractors, Bidders, and Offerors

Verifying Environmental Claims (Md. Code Ann., State Fin. & Proc., [§14-410](#))

“A bidder or offeror for a procurement contract shall certify in writing that any claims of environmental attributes made relating to a product or service are consistent with the Federal Trade Commission’s Guidelines for the Use of Environmental Marketing Terms.”

Pollinator Protection Act of 2016 ([2016 Md. Laws 7072](#))

The sale and use of neonicotinoid pesticides is prohibited in the State, with certain exceptions.

Fertilizer Use Act of 2011 ([2011 Md. Laws 2810](#))

Lawn care professionals are required to comply with the University of Maryland’s fertilizer recommendations and best practices for lawn fertilization. Lawn-care professionals who conduct fertilizer application are required to be certified by the Maryland Department of Agriculture.

Low Noise Supplies (State Fin. & Proc., [§14-403](#))

“To the extent practicable, each unit of the State government shall buy or lease for use by the State government supplies that are the quietest available supplies.”

Limitations on Hazardous Substances (Md. Code Ann., Env’t, [§6-1201](#)) “A person may not manufacture, process, sell, or distribute in the State a new product or flame-retardant part of a new product that contains more than one-tenth of 1% of pentaBDE (pentabrominated diphenyl ether) or octaBDE (octabrominated diphenyl) by mass.”

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Limitations and Prohibitions on Heavy Metals in Packaging (Env’t [§9–1902\(a\)-\(b\)](#)) “A manufacturer or distributor may not sell or offer for sale or for promotional purposes any package or packaging component or any product in a package or packaging component to which any of the following was intentionally added during manufacture or distribution: (1) Lead; (2) Cadmium; (3) Mercury; or (4) Hexavalent chromium.”

Noxious Plants (Env’t [§9–401-406](#)) “No person may (1) Import or transport a noxious weed in the State in any form capable of growth; or (2) Contaminate any uninfested land with a noxious weed through the movement of rootstocks, seed, soil, mulch, nursery stock, farm machinery, or any other artificial medium.”

2. PROHIBITED PRODUCTS AND ACTIVITIES

- A. Wood and lumber products derived from wood species listed as threatened or endangered by the [Convention on International Trade in Endangered Species \(CITES\)](#) and the [International Union for Conservation of Nature \(IUCN\)](#) are prohibited for use in landscaping projects.
 - *A comprehensive, downloadable list of species covered by CITES can be found [here](#). When downloading the list, under “Taxon” select Plantae for all organisms in the Plant Kingdom.*
- B. Invasive plants identified in the [Maryland Green Purchasing Committee \(GPC\) Landscaping Plants Specification](#) are prohibited for purchase and use. **NOTE:** The State reserves the right to update this list at any time.
- C. The purchase and use of neonicotinoid pesticides is prohibited.
- D. The purchase of plants treated with neonicotinoids is prohibited.
- E. The purchase of mulch derived from treated wood containing [Chromated Arsenicals \(CCA\)](#) is prohibited.
- F. Pursuant to Md. Code Ann., Transp., [§22-402](#), vehicle idling is prohibited.
- G. Biodegradable material must not be disposed of as garbage, except noxious weed debris.
- H. The use of combination products (e.g., “weed and feed”, weed control + fertilizer, insect control + fertilizer, etc.) is prohibited.
- I. Composts, fertilizers, and other soil amendments must not contain intentionally added per- and polyfluoroalkyl substances (PFAS). The bidder is required to submit written evidence that compost and fertilizer products are compliant with this requirement.

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- J. The purchase and use of lumber and timber products that contain polyvinyl chloride (PVC) is prohibited.

3. CONTRACTOR REQUIREMENTS

- A. The Contractor will provide staff able to perform work at the highest standards of horticultural practice. Key staff shall have current knowledge of best management practices (BMPs) regarding sustainable landscaping design, native plant selection, invasive plant identification and removal, plant health, pruning, integrated pest management, pesticide application, irrigation maintenance, and safety procedures. The State reserves the right to demand the replacement of Contractor's staff who do not meet the owner's standards for safety, professionalism, or horticultural knowledge.
- B. The Contractor must provide employees with proper initial, on-site (or site-specific), and annual in-service training. Training must be done in a manner that respects any unique needs of the employee, such as limited English proficiency, physical challenges, or learning disabilities.

4. MINIMUM REQUIREMENTS FOR PRODUCTS

A. Compost

- 1) Compost may be used for fertilizer, mulch, erosion control, stormwater best management practices, and soil amendments.
- 2) Compost must meet one the following criteria:
 - Be Sourced from a composting facility permitted by the State of Maryland Department of the Environment.

OR

 - Possess the US Composting Council's Seal of Testing Assurance (USCC STA)
USCC STA Registry for certified compost manufacturers can be found [here](#).

OR

 - Be Organic Materials Review Institute (OMRI) Listed
OMRI Listed product registry for certified products can be found [here](#).
- 3) Compost must not contain polyfluoroalkyl substances (PFAS).

B. Fertilizer

- 1) The use of compost as fertilizer is prioritized by the State of Maryland.

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2) Fertilizers must be:

- Certified Organic by the National Organic Program; or
- Organic [Materials Review Institute \(OMRI\) Listed](#)

OMRI Listed product registry for certified products can be found [here](#).

3) Must not contain polyfluoroalkyl substances (PFAS).

C. Pesticides

1) Pesticides must not contain neonicotinoids.

2) Pesticides offered for sale to the State of Maryland must be EPA Approved and possess a “Federal Insecticide Fungicide and Rodenticide Act” label.

Applicators of pesticides must possess the Pesticide Applicator license and certificate by Maryland Department of Agriculture.

3) Biopesticides must be registered by the EPA.

EPA Biopesticide Registration information can be found [here](#).

A list of pesticides registered for use by the State of Maryland Chemist’s Office can be found on the Department of Agriculture website [here](#).

D. Insecticides & Herbicides

- Insecticides and Herbicides must not contain neonicotinoids.

E. Topsoil

- Topsoil must be composed of 4% compost. To comply with this requirement, one cubic yard of compost shall be added to every seven cubic yards of soil.

F. Mulch

- 1) Hardwood bark mulch and woodchips are the common acceptable mulch types for purchase.
- 2) Mulch must not be treated with any pesticides or preservatives containing Chromated Arsenicals (CCA).

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G. Hydraulic Mulch

Hydraulic mulch must meet the following requirements for its material type:

- Paper-based hydraulic mulch must have 100% total post-consumer recycled content or 100% total recycled content.
- Wood-based hydraulic mulch must have 100% total recycled content.

H. Hoses

- 1) Garden hoses must contain a minimum of 60-65% post-consumer recycled content.
- 2) Soaker hoses must contain a minimum of 60-70% post-consumer recycled content.
- 3) Sprinkler hoses must contain a minimum of 50% post-consumer recycled content.

I. Irrigation Controllers

- Irrigation controllers must be [EPA WaterSense](#) certified.
A list of WaterSense certified products can be found [here](#).

J. Spray Sprinkler Bodies

- Spray sprinkler bodies must be [EPA WaterSense](#) certified.
A list of WaterSense certified products can be found [here](#).

K. Lawn and Garden Edging

- Plastic and/or rubber-based lawn and garden edging must have a minimum of 30% post-consumer recycled content or 50% total recycled content.

L. Potting Soil

- Potting soil mixes must be Organic Materials Review Institute (OMRI) listed.
OMRI Listed product registry for certified products can be found [here](#).

M. Plastic Lumber Landscaping Timber and Posts

1) Recycled Content Requirements

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- a) HDPE (High-density polyethylene) timber and posts must have at a minimum 30% post-consumer recycled content or 75% total recycled content.
- b) Mixed plastics/Sawdust timber and posts must have at a minimum 50% post-consumer recycled content or 100% total recycled content.
- c) HDPE/Fiberglass timber and posts must have at a minimum 75% post-consumer recycled content or 100% total recycled content.
- d) Other mixed resin-based timber and posts must have a minimum of 50% post-consumer recycled content or 100% total recycled content.

2) Testing Requirements for Plastic Lumber and Plastic Composite Materials with Recycled Content

In line with EPA Comprehensive Procurement Guidelines (CPGs) recommendations, plastic and plastic composite-based products must meet the following testing standards for their respective categories:

- [D2344/D2344M](#) Standard Test Method for Short-Beam Strength of Polymer Matrix Composite Materials and Their Laminates.
- [D6108-19](#) Standard Test Method for Compressive Properties of Plastic Lumber and spheres.
- [D6109-19](#) Standard Test Method for Flexural Properties of Unreinforced and Reinforced Plastic Lumber.
- [D6111-19a](#) Standard Test Method for Bulk Density and Specific Gravity of Plastic Lumber and Shapes by Displacement.
- [D6112-13](#) Standard Test Method for Compressive and Flexural Creep and Creep Rupture of Plastic Lumber and Shapes.
- [D6117-13](#) Standard Test Method for Mechanical Fasteners in Plastic Lumber and Shapes.
- [D7031-11](#) Standard Guide for Evaluating Mechanical and Physical Properties of Wood-Plastic Composite Products.

3) Fencing, Decking, and Railings

- a) All plastic used for fencing and post materials must be made from a minimum of 60% post-consumer recycled plastic (PCRPP).
- b) The purchase of PVC decking is prohibited.

4) Landscape Timbers

- a) Includes all timbers designed for use in landscaping applications.

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- b) Must contain a minimum of 90% total recovered materials, at least 50% of which must be recycled plastic (unless solid wood).
- c) If timber contains fiberglass, wood, or other non-plastic material designed to provide structural strength, material must be from recycled material and cannot comprise more than 50% of the total product.
- d) Must be guaranteed against undue warping, sagging, cracking, splitting, rotting, and insect infestation for a minimum of ten (10) years.
- e) Must not contain PVC.

5) Lumber, Composite Dimensional

- a) Must contain a minimum of 90% total recovered materials, at least 25% of which must be Post-consumer recycled content (PCRC) plastic.
- b) Lumber may contain fiberglass, wood, or other non-plastic material designed to provide structural strength; however, such material must be recycled and must comprise no more than 50% of the total product.
- c) Must not contain PVC.

6) Lumber, Plastic Dimensional

- a) Must contain a minimum of 90% PCRC plastic material.
- b) Must be free of PVC, fiberglass, or any other non-plastic material.
- c) Plastic may be derived from a single resin or from co-mingled plastic materials.

N. Outdoor Furniture

1) Playground equipment

- a) Non-Wood Based Products
 - i. Thermoplastic – the plastic portion of the product must be composed of 100% recycled content and at least 90% post-consumer plastic.
 - ii. Thermoset Plastic – the plastic portion of the product must be composed of at least 50% post-industrial or post-consumer recycled content.
 - iii. Plastic composite (using thermoplastic) – the plastic portion of the product must be composed of 100% recycled content and at least 50% post-consumer content.

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- iv. Plastic composite (using thermoset plastic) – the plastic portion of the product must be composed of at least 50% post-industrial or post-consumer recycled content.

2) Picnic Tables and Park Benches

- a) Plastic-Based
 - Must be 100% recovered plastic, including 90-100% postconsumer content.
- b) Plastic composites
 - Must be 100% recovered plastic composites, including 50-100% postconsumer content.
- c) Aluminum-Based
 - Must consist of 25% recovered material, including 25% postconsumer content.
- d) Steel-Based
 - Steel from a Basic Oxygen Furnace (BOF) process must contain 25-30% total recovered materials, of which 16 percent is postconsumer steel.
 - Steel from the Electric Arc Furnace (EAF) process must contain a total of 100% recovered steel, of which 67% is postconsumer.

O. Landscaping Plants

Must meet the criteria set forth in the Maryland Green Purchasing Committee's Environmentally Preferable Specification for Landscaping Plants.

5. GUARANTEE AND REPLACEMENT

- A. The Contractor is not responsible for losses, repair or replacement of damaged work or plant material resulting from theft, extreme weather conditions, vandalism, vehicular incidents (other than Contractor's vehicles) or the acts of others over whom they have no reasonable control.
- B. The Contractor shall replace, at no additional cost to the State, any turf or plant materials damaged as a result of improper maintenance attention or procedures in conformance with the landscaping master plan.
- C. Replacement material shall be of the same size and variety as the dead or damaged material.

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- D. The Contractor must replace plant material within two weeks of identification of damage. Alternatives to size, variety and scheduling of replacement is only allowed by written permission of the Building Services Supervisor or their designated representative.
- E. The Contractor shall inform the Building Services Supervisor or their designated representative monthly of plant losses not covered by warranty and unrelated to the maintenance activities. The Contractor must provide the Building Services Supervisor or their designated representative with the cause of the plant loss, and provide recommendations (in line with the specification) for replacement along with pricing for replacement.

6. ADDITIONAL ENVIRONMENTALLY DESIRABLE ATTRIBUTES

A. Mulch & Other Soil Amendments

- Mulch and soil amendment products are encouraged to be certified by the [Organic Materials Review Institute \(OMRI\)](#).
OMRI listed registry certified products can be found [here](#).

B. Pesticides

Bait Stations are exempt from the product requirements of pesticide.

Pesticides are encouraged to either:

- Be [Organic Materials Review Institute \(OMRI\) Listed](#); or
- Meet the [EPA's Conditions for Minimum Risk Pesticides](#).

A list of pesticides registered for use by the State of Maryland Chemist's Office can be found on the Department of Agriculture website [here](#).

C. Insecticides & Herbicides

- Insecticides and herbicides are encouraged to be certified by the [Organic Materials Review Institute \(OMRI\)](#).
OMRI listed registry certified products can be found [here](#).

D. Powered Landscaping Equipment

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- To the maximum extent practicable, electric powered equipment used for landscaping installation and maintenance projects must be prioritized. These include mowers, weed trimmers, seed spreaders, and other tools that can be purchased electric instead of gas powered.

7. ENVIRONMENTALLY PREFERABLE PURCHASING LANGUAGE

Instruction to Procurement Officers: Please add the following language to your solicitation if it does not already exist.

A. On Environmentally Preferable Purchasing:

The State of Maryland is committed to purchasing environmentally preferable products and services (EPPs). Maryland's State Finance & Procurement Article §14-410 defines environmentally preferable purchasing as "the procurement or acquisition of goods and services that have a lesser or reduced effect on human health and the environment when compared with competing goods or services that serve the same purpose."

Accordingly, Bidders are strongly encouraged to offer EPPs to fulfill this contract, to the greatest extent practicable.

B. On Maryland's Green Purchasing Reporting Requirements:

The State of Maryland requires, at a minimum, from the Contractor annual sales data over the life of this contract; the State also reserves the right to request quarterly sales data over the life of this contract.

The report shall include at a minimum details about the third-party sustainability certifications and other environmental attributes of products and services sold on this price agreement per the contract specifications.

To facilitate consistent reporting on this contract, the Contractor will be provided with a VENDOR GREEN SALES REPORT template from the Green Purchasing Committee (GPC), the Office of State Procurement (OSP) or the Department of General Services (DGS).

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C. On Environmental Claims

All environmental benefit claims made by the Contractor concerning products or services offered on this contract must be consistent with the [Federal Trade Commission's Guidelines for the Use of Environmental Marketing Claims](#).